



OCTOBER 7 - 11, 2002 ST. PAUL, MINNESOTA

David R. Hansen, Chief Judge - Cedar Rapids, IA

Circuit Judges in Active Service

**Theodore McMillian - St. Louis, MO
Pasco M. Bowman - Kansas City, MO
Roger L. Wollman - Sioux Falls, SD
James B. Loken - Minneapolis, MN
Morris S. Arnold - Little Rock, AR
Diana E. Murphy - Minneapolis, MN
Kermit E. Bye - Fargo, ND
William Jay Riley - Omaha, NE
Michael J. Melloy - Cedar Rapids, IA
Lavenski R. Smith - Little Rock, AR**

Circuit Judges Who Have Taken Senior Status

**Donald P. Lay - St. Paul, MN
Gerald W. Heaney - Duluth, MN
Myron H. Bright - Fargo, ND
Donald R. Ross - Omaha, NE
Richard S. Arnold - Little Rock, AR
John R. Gibson - Kansas City, MO
George G. Fagg - Des Moines, IA
Frank J. Magill - Fargo, ND
C. Arlen Beam - Lincoln, NE**

NOTICE TO ALL COUNSEL

Please review the entire calendar, as you may have more than one case scheduled for oral argument. Please check the calendar carefully for the starting time for your day and division.

Court will be held in the Warren E. Burger Federal Building at 316 N. Robert Street, St. Paul, Minnesota. Counsel presenting oral argument should report to the Clerk's Office, Room 500, 30 minutes before Court convenes.

Counsel may not waive oral argument without prior leave of court. Absent leave of court, only one attorney is permitted to present the argument for a party. However, if the parties on a side are separately represented and have filed separate briefs, each party on that side is permitted to argue; in such a case, counsel must confer and decide how they will split the time shown on the calendar. Questions should be addressed to the Clerk of Court.

Appearance forms of counsel, if not previously submitted, must be completed and forwarded immediately to the clerk's office. Every attorney who presents oral argument must be admitted to the Eighth Circuit Bar unless appointed to represent a party proceeding in forma pauperis.

The time allotted for each side's argument is noted to the right of the case. ***Cases designated as NO ARG will be submitted to the Court on the briefs and record without oral argument, and counsel are not required to appear for cases designated NO ARG.***

Michael E. Gans
Clerk of Court

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Updated: 10/4/02

DIVISION I

MONDAY, OCTOBER 7, 2002, BEGINNING AT 9:00 A.M. BEFORE JUDGES HANSEN, HEANEY, M. ARNOLD

			CYZ
1.	02-1790MN	United Healthcare Insurance Co., et al. v. AdvancePCS	20
2.	01-3073	National Labor Relations Board, et al. v. Miller Waste Mills, etc.	20
3.	01-3611SD	State of South Dakota, etc., et al. v. Lower Brule Sioux Tribe	15
	02-1535MN	Bernard Cavegn v. Twin City Pipe Trades Pension Plan	REMOVED
	01-3782MN	Alliant Energy, et al. v. Nebraska Public Power District, etc.	REMOVED

TUESDAY, OCTOBER 8, 2002, BEGINNING AT 9:00 A.M. BEFORE JUDGES HANSEN, HEANEY, M. ARNOLD

			JMB
1.	02-1693NI	United States v. Gary Briscoe, Jr.	15
2.	02-1761ND	United States v. Leonard Peltier	15
3.	02-1621MN	United States v. Israel Rayos-Parra	15
4.	02-1176NI 02-1462NI	United States v. Casey Marie Yirkovksy United States v. Casey Marie Yirkovksy	10
5.	02-1432NI	United States v. Bruce Oleson	15
6.	02-1199SD	United States v. Guy Randy White Horse	15

DIVISION I

**WEDNESDAY, OCTOBER 9, 2002, BEGINNING AT 9:00 A.M.
BEFORE JUDGES HANSEN, HEANEY, M. ARNOLD**

JAB

- | | | | |
|----|-----------|---|---------------|
| 1. | 01-3618SI | Francisco Tomas Lopez v. Gerard
Heinauer, etc. | 15 |
| 2. | 01-3995NI | St. Luke's Methodist Hospital v. Tommy
G. Thompson, etc. | 20 |
| 3. | 02-1012 | Kirupanathan Perinpanathan v. Immigration
and Naturalization Service, et al. | 15 |
| 4. | 02-1287 | Julio Cesar Briones-Sanchez v. Immigration
and Naturalization Service | 15 |
| 5. | 02-1544SI | Angeline Curran-Kicksey, etc. v. Jo Anne B.
Barnhart, etc. | 15 |
| | 02-1662NI | United States v. Steven John Stoltenberg | NO ARG |

**** AFTERNOON EN BANC SESSION ****

**BEGINNING AT 1:30 P.M.
BEFORE JUDGES HANSEN, HEANEY, MCMILLIAN, BOWMAN, WOLLMAN,
LOKEN, M. ARNOLD, MURPHY, BYE, RILEY, MELLOY, SMITH**

PAW

- | | | | |
|--|-----------|---|----|
| | 01-1472EA | Howard Lockridge v. Board of Trustees,
of the University of Arkansas, etc., et al. | 20 |
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DIVISION I

**THURSDAY, OCTOBER 10, 2002, BEGINNING AT 9:00 A.M.
BEFORE JUDGES HANSEN, MAGILL, BYE**

CYZ

01-3908MN Guidant Sales Corporation, et al. v. James
Niebur, et al. **DISMISSED**

02-1461NI Wesley A. Michaelson v. Waitt Broadcasting,
Inc., etc., et al. **NO ARG**

1. 02-1256MN Kathey Heisler v. Metropolitan Council 20
2. 02-1395NI Rex Realty Co. v. City of Cedar Rapids 15
3. 02-1257MN Patricia A. Crumley v. City of St. Paul,
Minnesota, et al. 15

1:15 P.M. BEFORE JUDGES MCMILLIAN, MURPHY, BOGUE

99-2853SI Sheri Sawyer Madison v. IBP, Inc.
99-2859SI Sheri Sawyer Madison v. IBP, Inc., et al. **REMOVED**

1:15 P.M. BEFORE JUDGES MURPHY, HEANEY, BEAM

PAW

02-2496MN Robert Hechter Silverman v. Julie Hechter
Silverman 20

**FRIDAY, OCTOBER 11, 2002, BEGINNING AT 8:30 A.M.
BEFORE JUDGES MCMILLIAN, BOWMAN, SMITH**

JAB

1. 01-3991MN John Saulsberry v. St. Mary's University
of Minnesota, etc. 20
2. 02-1426 In re: Nanci Anne Long
Nanci Anne Long v. Educational Credit
Management Corporation 15
3. 02-1097MN Tamrat Tademe v. St. Cloud State
University, etc. 15
- 02-1782NE Lincoln Benefit Life Company, Inc. v.
eWealth USA, Inc., et al. **NO ARG**
4. 02-1479MN Ronald J. Fenney, et al. v. Dakota,
Minnesota & Eastern Railroad Corporation 15

DIVISION II

**MONDAY, OCTOBER 7, 2002, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BOWMAN, R. ARNOLD, LOKEN**

			VLA
1.	01-3919MN	TRI, Inc. v. Boise Cascade Office Products, Inc., et al.	20
2.	01-2957SD	Turn Key Gaming, Inc. v. Oglala Sioux Tribe	20
	02-1490MN	Dr. James P. Seim, etc. v. National Life of Vermont, et al.	DISMISSED
3.	02-1515MN	James Casazza v. Joseph C. Kiser	15
	01-3755NE	United States v. Felix Alvarez	NO ARG

**TUESDAY, OCTOBER 8, 2002, BEGINNING AT 9:00 A.M.
BEFORE JUDGES BOWMAN, R. ARNOLD, LOKEN**

			VLA
1.	02-1540SI	United States v. John Wayne Fleming	15
2.	01-3647NI	United States v. Leland Duane Young	15
3.	02-1523SI	United States v. James Lynn Moyer	15
4.	02-1577SI	United States v. Albert A. Wheeldon	15
5.	02-1838SD	United States v. Manuel Rodriguez-Arreola	15
6.	02-2007SI	United States v. Wayne Brown	10

DIVISION II

WEDNESDAY, OCTOBER 9, 2002, BEGINNING AT 9:00 A.M. BEFORE JUDGES MCMILLIAN, LAY, RILEY

			VLA
1.	02-1309MN	Richard B. Brozo v. Oracle Corporation, etc.	15
2.	01-2739NI	United States v. Fenaris Rashaun Braggs	10
	02-1314	Donald W. Wilson v. Commodity Futures Trading Commission	REMOVED
3.	01-3505MN	Donald G. Cousineau v. Norstan, Inc.	15
4.	01-3940MN	Ronald Lindsey, etc. v. United States	10
5.	01-3965MN	Dawn Edlund v. Ridgedale Automotive, Inc., etc., et al.	10
6.	02-2488MN	United States v. Prentiss Lee Spivey	10

THURSDAY OCTOBER 10, 2002, BEGINNING AT 9:00 A.M. BEFORE JUDGES LOKEN, BEAM, MELLOY

			VLA
1.	01-2511MN	Mississippi River Revival, Inc., et al. v. City of Minneapolis, MN, et al.	20
2.	01-3727MN	United States v. Luwana Latrice Walker	15
	01-3691MN 02-1130MN	United States v. Roxanne Marie Abfalter United States v. Michael Travis Williams	REMOVED
3.	02-1681MN	United States v. Thomas William Washam	15
4.	02-1293MN	United States v. Richard Thomas Rose, etc.	15
5.	01-3928MN 01-4022MN	SOB, Inc., etc., et al. v. County of Benton SOB, Inc., etc., et al. v. County of Benton	20

DIVISION II

**FRIDAY, OCTOBER 11, 2002, BEGINNING AT 8:30 A.M.
BEFORE JUDGES LOKEN, BEAM, MELLOY**

			VLA
1.	02-1554MN	Robert Reimer, et al. v. City of Crookston, et al.	20
2.	01-3758SD	Glen Gibbons, et al. v. United States, et al.	10
3.	02-1268SD	Kathy J. Freeman, etc. v. Dr. Jon Green, etc., et al.	15
	01-3877SD	United States, etc. v. Ronald L. Wiczorek, et al.	NO ARG
4.	01-3698SD	Christina A., etc., et al. v. Jeff Bloomberg, etc., et al.	15

DIVISION III

**MONDAY, OCTOBER 7, 2002, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, J. GIBSON, MELLOY**

			PAW
1.	02-1081MN	Jeffrey M. Kuha v. City of Minnetonka, et al.	20
2.	02-1066MN	Peter M. Gaona, et al. v. Town & Country Credit, et al.	15
3.	01-3637MN	Dennis D. Linehan v. Frank R. Milczark, etc.	20
	01-3874MN	John P. Hoehne, et al. v. Steven N. Kerns	
	02-1377MN	John P. Hoehne, et al. v. Steven N. Kerns	NO ARG
4.	01-3859MN	Brent Gisslen v. City of Crystal, Minnesota, etc., et al.	15

**TUESDAY, OCTOBER 8, 2002, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, J. GIBSON, SMITH**

			PAW
1.	02-1966NE	United States v. Jose Espino, etc.	15
2.	02-1596SI	United States v. Eloy Vazquez-Garcia	
	02-1597SI	United States v. Juan Carlos Sosa-Alvarado	15
3.	02-1553SD	United States v. Joshua A. Waldman	15
4.	02-1161SI	ABC Plastics, Inc., et al. v. Small Business Administration, et al.	15
5.	02-1487SD	United States v. Duane Two Eagle	15
6.	02-1640SD	United States v. O'Neil Frank Iron Cloud	10

DIVISION III

**WEDNESDAY, OCTOBER 9, 2002, BEGINNING AT 9:00 A.M.
BEFORE JUDGES MURPHY, BEAM, MELLOY**

			PAW
1.	02-1238MN	United States, et al. v. Dale Robert Bach	20
2.	01-3871MN	Allen L. Beach v. Yellow Freight System, etc.	
	01-3963MN	Allen L. Beach v. Yellow Freight System, etc.	20
3.	02-1503NE	United States v. Santee Sioux Tribe of Nebraska, etc.	15
4.	02-1582SI	United States v. Kathleen J. Jacobsen	15
	01-3035NI	Kelly Preston v. United States	NO ARG
5.	02-1912NE	United States v. Ira H. Roberts	15

**THURSDAY, OCTOBER 10, 2002, BEGINNING AT 9:00 A.M.
BEFORE JUDGES RILEY, R. ARNOLD, SMITH**

			PAW
1.	01-3485MN	Judith M. Potter, et al. v. Norwest Mortgage, Inc., et al.	20
2.	02-1099MN	Gary Mayer v. Nextel West Corporation, etc.	15
3.	02-1504MN	Franklin P. Kottschade, et al. v. City of Rochester, et al.	20
4.	02-1071MN	Richie Company, etc. v. Lyndon Insurance Group, Inc.	15
5.	01-3906MN	Taylor Corporation v. Four Seasons Greetings, etc.	15

DIVISION III

**FRIDAY, OCTOBER 11, 2002, BEGINNING AT 8:30 A.M.
BEFORE JUDGES M. ARNOLD, MAGILL, BYE**

PAW

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|----|-----------|---|---------------|
| 1. | 02-1477MN | Robert J. Lauer v. Jo Anne B.
Barnhart, etc. | 15 |
| 2. | 02-1261MN | Christopher James Nygren, etc., et al. v.
Minneapolis Public Schools, etc., et al. | 20 |
| | 01-3955MN | Shirley E. Biewen v. William A. Halter, etc. | NO ARG |
| 3. | 02-1259ND | Duane Friez v. First American Bank & Trust
of Minot, etc., et al. | 10 |
| 4. | 02-1486MN | John T. Fastner v. Jo Anne B. Barnhart, etc. | 15 |